APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,828	08/29/2001	Toshihiro Tsukada	P5976a	1001

20178   7590   09/25/2007

EPSON RESEARCH AND DEVELOPMENT INC
INTELLECTUAL PROPERTY DEPT
2580 ORCHARD PARKWAY, SUITE 225
SAN JOSE, CA 95131

EXAMINER
QIN, YIXING

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
09/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action *Before the Filing of an Appeal Brief*	09/942,828	TSUKADA, TOSHIHIRO
	Examiner	Art Unit	
	Yixing Qin	2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>28 August 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:.

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Please see attached office action.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

TWYLER LAMB
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Response to Arguments

First off the Examiner points out that claims 11, 22, 28, 30, 41 and 47 have been amended. The arguments regarding these claims at time would need further search and/or consideration. Thus, the examiner will only address those claims with regards to the non-amended independent claims.

The Applicant's arguments filed 8/28/07 have been fully considered but they are not persuasive. The first point of argument is the external relation of the printer interface device with the printer. Again, from the previous rejection, the Office's stance is that of the Indei reference discloses a printer and a print control device in Fig. 2, item 5. One can see the various modifications and modules of the device in the other figures. However, the applicant's invention essentially is a re-arrangement of the various modules. Compare, for example, Fig. 1 of the applicant's drawings with Figs. 3 and 8 (the print control device and the backup device for the print control device) of Indei. Both essentially disclose the same part (e.g. cpu, memory and backup memory, communications devices). Thus, the various modules are present, except Indei arranges them in one particular manner, while the applicant arranges them in another. Since Indei has decided to divide up the print server into the printer control device 5a and the printer 5b and also has a backup device, it would have been obvious to divide them up other ways, or even combine them into one machine. Thus, the fact that the interface device is external to a printer would be considered an obvious variation.

From the previous interview with Mr. Haro, The Examiner realizes that the actual

invention is an improved printer cable with backup capabilities. One would not really

equate printer cable with a computer. However, due to the language in both the

specification and the claims, the office has to give the broadest reasonable

interpretation and that is the interface device is some sort of computer or machine that

has processing capabilities.

In response to item 1, the figures 3 and 8 in Indei show the backup device, but

shows arrows going out to connections to the network and the printer. The office also

has not given the word printer an overly broad interpretation, because a printer is, by

definition, a machine that creates print outs.

In response to item 2, these arguments relate to an amended claim and will not

be considered at this time.

In response to item 3, this again goes back to the main argument about the

general makeup of the invention. The question is whether the backup being done is on

the printer or the printer control device. Since the backing up of information is from one

memory to another, would it be obvious to place one memory in one place (i.e. printer)

and the backup memory other in the control device or perhaps even a computer? The

office stance is that it would be, because the applicant's own specification discloses the

backing up of information from a printer memory to a EEPROM, while Indei discloses

the backing up of the control device's information to a backup in the control device or to

a computer server. Thus, this indicates that back information can be sent from one

device or another.

In response to item 4, the question regarding the use of the USB is basically, would one connect a device to a printer using an USB connection. It would be obvious to have used an USB connection because it had become a known connection standard prior to the filing of this application.

In response to item 5, the Indei invention shows various the printer, print control device and several computers connected on a network. Whether one might consider this a direct connection is arguably, but would be obvious to use a variety of methods of connection.

The direct control of the printer goes again back to the argument above about the placement of various modules. The control mechanism is simply another module in the Indei invention.
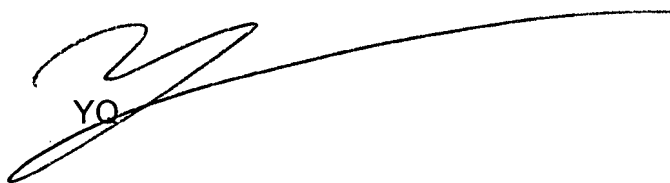
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.